

**Department of Health and Human Services
Health Care Financing Administration
Operational Policy Letter #85
OPL99.085**

Date: **March 23, 1999**

Subject: **Assisted Suicide Not Covered**

The Assisted Suicide Funding Restriction Act of 1997, Public Law 105-12, prohibits the use of appropriated funds to provide or pay for any health care item or service or health benefit coverage for the purpose of causing, or assisting to cause, the death of any individual. The prohibition does not pertain to the withholding or withdrawing of medical treatment or care, nutrition or hydration. In addition, the prohibition does not pertain to the provision of an item or service for the purpose of alleviating pain or discomfort, even if such use may increase the risk of death, so long as the item or service is not furnished for the specific purpose of causing death. The list of programs to which this prohibition applies includes the Medicare program. Note that such services are already excluded under Part A or Part B of Medicare because they would not meet the coverage definition at section 1862(a)(1)(A) of the Social Security Act.

Medicare funds, including those supporting either basic or additional benefits under Medicare+Choice, may not be used to pay for assisted suicide.

Contact: HCFA Regional Office Managed Care Staff

This OPL was prepared by the Center for Health Plans and Providers.